

S/N 09/616,526

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Malak et al.	Examiner:	T. Strzelecka
Serial No.:	09/616,526	Group Art Unit:	1637
Filed:	July 14, 2000	Docket No.:	11123.0015US01
Title:	PROCESSES FOR THE PREPARATION OF NOVEL COLLAGEN-BASED SUPPORTS FOR TISSUE ENGINEERING AND BIOMATERIALS OBTAINED		

CERTIFICATE UNDER 37 CFR 1.6: The undersigned hereby certifies that this correspondence is being transmitted via facsimile to: Commissioner for Patents, TC1600, Washington, D.C. 20231 on November 19, 2002.

By: Victoria Hanson

Name: Victoria Hanson

COMMUNICATION

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In furtherance of the amendment and response that was faxed to the USPTO on November 13, 2002, Applicants offer the following. It was realized upon review of the filed amendment and response that the terminal disclaimer and certificate accompanying said response was inadvertently not dated. Applicants' Representative spoke with Examiner Strzelecka and she indicated that a dated and signed terminal disclaimer that was received from the client in the interim could be substituted. This dated and signed terminal disclaimer is enclosed herewith. Please replace the undated terminal disclaimer with the dated terminal disclaimer attached hereto.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

Date: November 19, 2002

Anna M. Nelson  
By: Anna M. Nelson  
Reg. No.: 48,935  
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11/22/2002 TJCHMS04 00000001 132725 09616526  
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By: Victoria Hanson  
Name: Victoria Hanson

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Petitioner, Coletica, a corporation organized and existing under the laws of France and having its primary place of business at 32 Rue Saint Jean De Dieu, 69007-Lyon France, represents that it is the owner of the entire right, title and interest in U.S. Application Serial No. 09/616,526 filed on July 14, 2000 and entitled PROCESSES FOR THE PREPARATION OF NOVEL COLLAGEN-BASED SUPPORTS FOR TISSUE ENGINEERING AND BIOMATERIALS OBTAINED, by virtue of our assignment recorded at Reel 10925, Frame(s) 0597. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing Coletica's right as assignee to take action.

Petitioner, Coletica, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the patent that issues from U.S. Application Serial No. 09/616,282 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the patent that issues from U.S. Application Serial No. 09/616,282 this

agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as shortened by any terminal disclaimer of the patent that issues from U.S. Application Serial No. 09/616,282, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 12, 2002

Devictor

Name: Mr. Pierre Devictor

Title: President

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

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Petitions Examiner

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By: Victoria Hanson  
Name: Victoria Hanson

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Coletica, a corporation organized and existing under the laws of the France, having a place of business at 32 Rue Saint Jean De Dieu, 69007-Lyon France, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An assignment from the inventor(s), of the patent application identified above.

The assignment was recorded in the Patent and Trademark Office on July 14, 2000, at Reel 10975, Frame(s) 0597, or for which a copy is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are

punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 12, 2002



Name: Mr. Pierre Devictor  
Title: President